

Subject: Ypsilanti Township Citizens for Responsible Government - Initiative Petition and Notice
Date: Friday, May 6, 2022 at 11:57:49 AM Eastern Daylight Time
From: Hannah Stocker
To: kestenbauml@washtenaw.org
Attachments: 2022-05-06.Letter to Counselors RE MRTMA Petition.pdf

Mr. Kestenbaum,

Please be advised I represent the Ypsilanti Township Citizens for Responsible Government. We have circulated and submitted a ballot initiative in Ypsilanti Township to prohibit the establishment of recreational marihuana businesses in the Township pursuant to MCL 333.27956(1). I have reached out to counsel for the Township and State, to request that they do not enforce the 5% signature limit set out in that statute, as there is no means available to challenge the Township Clerk's determination. I believe that you would be a necessary party to this determination, as Washtenaw County's Clerk, you would be the one receiving the certified ballot language pursuant to MCL 168.646a.

Therefore, please review the attached correspondence and let me know your thoughts or please forward to your attorney.

Best,

Hannah Stocker
Attorney at Law
23332 Farmington Rd. #98
Farmington, MI 48336
P: 248-252-6405

Subject: Ypsilanti Township Citizens for Responsible Government - Correspondence
Date: Friday, May 6, 2022 at 10:41:16 AM Eastern Daylight Time
From: Hannah Stocker
To: McLain & Winters, James Tamm, Grill, Erik (AG)
Attachments: 2022-05-06.Letter to Counselors RE MRTMA Petition.pdf

Good morning counselors,

Happy Friday. Please see attached correspondence.

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HANNAH STOCKER, ESQ.

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STOCKER LAW PLLC

23332 FARMINGTON #98
FARMINGTON, MI 48336

May 6, 2022

Via Email

James Tamm, Esq. (jtamm@kerr-russell.com)

Dennis McLain, Esq. (mclinlaw@gmail.com)

Erik Grill, Esq. (grille@michigan.gov)

RE: Ypsilanti Township Cares for Responsible Government – MRTMA Petition

Dear Counselors:

I am writing today in reference to an initiative petition submitted by Ypsilanti Township Citizens for Responsible Government to the Ypsilanti Township clerk on April 26, 2022. This petition has been brought under MCL 333.27956(1), which states, in pertinent part:

Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the end regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

The ballot committee seeks to initiate an ordinance that prohibits marihuana establishments within Ypsilanti Township. On April 29, 2022, Ypsilanti Township Clerk, Heather Jarrell Roe, sent correspondence to my client, indicating that the 5% signature threshold was not reached and the initiative would not be placed on the August 2, 2022 ballot.

I am writing today to request for your concurrence in not enforcing the 5% signature requirement of MCL 333.27956(1). MCL 333.27956(1) is contained in the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”). MRTMA offers no procedural mechanisms the ballot committee can use to challenge the Township Clerk’s sufficiency determination. Furthermore, although MCL 333.27956(1) references the Michigan Election Law, that does not contain a procedure that a petitioner can use to challenge a clerk’s sufficiency of a proposed initiated ordinance. Finally, as I have reached out to Counsel for the Ypsilanti Township for copies of the signature report on both May 2, 2022 and May 4, 2022 of this week and have received no response, the committee has been unable to obtain garner which signatures were invalidated and attempt to rectify them by use of affidavits.

Given the impending deadline for certification (May 10, 2022) and the lack of procedural safeguards, I am respectfully requesting affirmance that you will not be enforcing the 5% signature threshold of MCL 333.27956(1) and will be certifying the ballot question language contained in the petition pursuant to MCL 168.646a.

However, given the impending deadline and therefore immediacy of this action, please be advised that I will be filing a Complaint for Declaratory and Injunctive Relief, a Motion for Preliminary Injunction and Temporary

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Restraining Order, and a Motion to Expedite Consideration of this Motion. Copies of these articles will be emailed to you upon filing, though will be withdrawn with the concurrence of all necessary parties.

Therefore, please let me know your thoughts on my above referenced proposition.

I can be reached at 248-252-6405 or hannah@stockerlawplc.com.

Best regards,

A handwritten signature in black ink, appearing to be 'Hannah Stocker', with a stylized, flowing script.

Hannah Stocker